

REMARKS

In the Office Action, the Examiner rejected claims 1, 4, 6, and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/01722218 to Nishimura et al. ("Nishimura"); and rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Nishimura in view of U.S. Patent No. 5,956,194 to Ohmi et al. ("Ohmi").¹ Claims 1 and 4-7 are currently pending.

Applicant thanks the Examiner for conducting an in-person interview with Applicant's under-signed representative. Applicant respectfully traverses the Examiner's rejections under § 102 and § 103.

Regarding the Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the Examiner's rejection of claims 1, 4, 6, and 7 under 35 U.S.C. § 102(e) as being anticipated by Nishimura. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 recites a combination including, for example, "a driving mechanism which opens or closes the display case on the main body; and means for remotely controlling operations of the driving mechanism via an embedded

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

controller/keyboard controller IC, wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus starts a predetermined operation.” Nishimura fails to disclose at least the above elements as recited in amended claim 1.

The Examiner alleges that “Nishimura et al disclose an information processing apparatus comprising: a display case 3 provided on a main body 2 of the information processing apparatus; a driving mechanism 31 which opens or closes the display case 14 on the main body 10; and means 59 for remotely controlling operations of the driving mechanism 31 via an embedded controller/keyboard controller IC (68), wherein the driving mechanism 31 opens the display case 3 synchronous with a startup timing of a program in accordance with operation of the means 59 for remotely controlling the driving mechanism.” (Office Action at 2-3, emphasis added). Applicant respectfully disagrees.

Nishimura teaches that a “notebook personal computer 1 is basically constituted by a main body portion 2 and a display portion 3.” Nishimura, para. [0107]. However, Nishimura fails to disclose any driving mechanism that opens or closes the display portion 3 on the main body portion 2, as recognized by the Examiner’s referring to devices unrelated to the display portion 3 on the main body portion 2, for example, “a driving mechanism 31 which opens or closes the display case 14 on the main body 10.”

However, Nishimura does not disclose a “display case 14” or a “main body 10”. Instead, Nishimura discloses a guide rail 14 and a jog dial status monitor 10. Thus, in Nishimura, guide rail 14 is substantially different from and not relevant to Applicant’s claimed display case, and jog dial status monitor 10 is substantially different from and

not relevant to Applicant's claimed main body. Instead, guide rail 14 and status monitor 10 are related to an input device jog dial 4, which is an input device of notebook personal computer 1. See Nishimura, Figs. 2 and 4.

"The jog dial 4 includes a rotary encoding unit 12 and a push switch unit 13 on a contact mounting substrate 11. . . . [T]he contact mounting substrate 11 includes a contact plate 19 comprising a molded resin member in the form of a flat plate having recesses 15, 17 and a terminal 18. The recess 15 has a guide rail 14 for movement of the rotary encoding unit 12." Nishimura, paras. [0113]-[0114], emphasis added.

Therefore, guide rail 14 of the flat plate as a part of the structure of jog dial 4 does not hold or include any display devices and thus does not constitute "a display case" as recited in claim 1.

Further, Nishimura states that "RAM 71 includes registers for a touchpad input status, a key input status and for time setting, and a jog dial status monitor 10 register, as registers 71A to 71F." Nishimura, para. [0141], emphasis added. Therefore, jog dial status monitor 10 is a data entity that resides in a random memory. Neither the memory itself nor the data stored in the memory constitutes a "main body" as recited in claim 1.

Moreover, Nishimura further mentions that "[a] driving projection 31 formed integrally with the box-shaped casing 20 of the rotary encoding unit 12 compresses against the distal end of the actuating button 30 of the push switch unit 13. . . . to cause movement of the entire rotary encoding unit 12 in the horizontal direction along the guide rail unit 14 of the contact mounting substrate 11 to push the actuating button 30 with the projection 31 provided on the box-shaped casing 20." Nishimura, paras. [0117] and [0120].

However, driving projection 31 in Nishimura is a mere structural member for compressing a switch and thus does not constitute “a driving mechanism which opens or closes the display case on the main body,” as recited in claim 1 (emphasis added). Even assuming driving projection 31 could be actuated to provide some driving actions, which Applicant does not necessarily agree with, driving projection 31 only moves the encoding unit 12 and is not related to either the display portion 3 or the main body portion 2 of Nishimura.

Further, Nishimura teaches that “IDE controller/configuration register 59 is made up of two IDE controllers, namely a so-called primary IDE controller and a secondary IDE controller. . . . The primary controller is connected over the IDE bus 62, . . . , the secondary IDE controller is electrically connected to connectors of the loaded bay devices.” Nishimura, paras. [0133]-[0134]. However, Nishimura does not disclose that IDE controller/configuration register 59 controls driving projection 31. In fact, driving projection 31 is related to the push switch unit 13 and is unrelated to IDE controller/configuration register 59. Therefore, contrary to the Examiner’s assertion, Nishimura’s teaching of IDE controller/configuration register 59 does not constitute “means for remotely controlling operations of the driving mechanism via an embedded controller/keyboard controller IC,” as recited in claim 1 (emphasis added).

The Examiner also alleged that “means 59 for controlling display 3 of a display device 7 provided in the display case 3 associated with operation of the driving mechanism 31 wherein the driving mechanism 31 opens and closes the display device 7 with a speed set by an instruction from a user.” (Office Action at 2-3, emphasis added.). Applicant respectfully disagrees.

As set forth above, driving projection 31 is part of jog dial 4 and is not related to display device 7. See Figs. 2 and 12. In fact, Nishimura's driving projection 31 is not capable of and does not have the purpose of opening or closing display device 7.

Therefore, Nishimura fails to disclose each and every element of claim 1. Nishimura thus fails to anticipate Applicant's invention recited in claim 1 under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests withdrawal of the Section 102(e) rejection of claim 1. Further, because claims 4, 6, and 7 depend from claim 1, Applicant also requests withdrawal of the Section 102(e) rejection of claims 4, 6, and 7 for at least the same reasons stated above.

Regarding the Rejection Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the Examiner's rejection of claim 5 under 35 U.S.C. § 103(a) as unpatentable over Nishimura in view of Ohmi. In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claim 5 depends from claim 1. As explained above, Nishimura fails to teach or suggest at least "a driving mechanism which opens or closes the display case on the main body; and means for remotely controlling operations of the driving mechanism via an embedded controller/keyboard controller IC, wherein the driving mechanism opens the display case when a predetermined device of the information processing apparatus

starts a predetermined operation,” as recited in claim 1 and required by claim 5. Ohmi fails to cure Nishimura's deficiencies.

The Examiner alleged that “Ohmi et al disclose the driving controls the driving mechanism via one of a wireless LAN, BlueTooth, an infrared-ray communication (see Omni et al's column 23, lines 30-45).” (Office Action at 3). Even assuming the Examiner's allegation is true, with which Applicant does not necessarily agree, Ohmi fails to teach or suggest at least the above elements as recited in amended claim 1 and required by claim 5.

Therefore, neither Nishimura nor Ohmi, taken alone or in any reasonable combination, teaches or suggests all elements recited in claim 1 and required by claim 5. No *prima facie* case of obviousness has been established with respect to claim 5. Claim 5 is therefore allowable over the applied references. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 5.

Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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